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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

**MASCEDONIO PEREZ GARCIA,  
JESUS FRANCISCO CERVANTES  
GARCIA, YOLANDA GARCIA  
GARCIA, and JOSEPH ROOFING LLC,**

**Plaintiffs,**

**V.**

**ERICH STEVEN TUCKER,**

**Defendant.**

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**Civil No. 23-CV-214-R**

**PLAINTIFFS' RESPONSE TO DEFENDANT'S MOTION TO DISMISS (DOC. 3)**

Defendant Tucker moved to dismiss plaintiffs' complaint, citing Rule 12(b)(6) F.R.Civ.R. but nothing else and without any explanation.

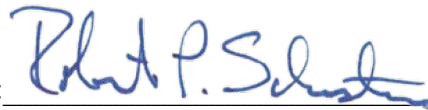
The complaint details the elements of sixteen (16) claims for relief. Complaint, pgs. 8-18. It is uncertain which of those claims Mr. Tucker is addressing. To the extent the motion is directed at the claims for defamation, Mr. Tucker is directed to the following: *Spence v. Flynt*, 647 F.Supp.1266, 1273 (D.Wyo. 1986); *Dworkin v. L.F.P.*, 647 F.Supp. 1273, 1277-1278 (D.Wyo. 1986), Restatement Second Torts, § 558 (American Law Institute 1977); Restatement of the Law

3rd Torts, Defamation and Privacy, § 1 (Preliminary Draft No. 4, March 2024, American Law Institute).

The motion should be denied.

Dated: March 18, 2024

By:



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*Attorneys for Mr. Perez, Mr. Cervantes Garcia, Ms.  
Garcia Garcia, and Joseph Roofing*

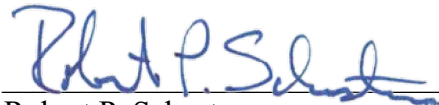
**CERTIFICATE OF SERVICE**

I hereby certify that on March 18, 2024, a true and correct copy of the foregoing was served  
in the manner indicated below:

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☐ First Class Mail  
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☐ Facsimile  
☐ Overnight Mail  
☐ Email  
☒ CM/ECF

By:



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